

R277. Education, Administration.

R277-417. Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation.

R277-417-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Incentive" means one of the following given to a student or to the student's parent or guardian by an LEA or by a third party provider as a condition of the student's enrollment in an LEA or specific program for any length of time, during any school year:

- (1) money greater than \$10; or
- (2) an item of value greater than \$10.

C. "Individualized Education Program (IEP)" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Utah Special Education Rules and Part B of the Individuals with Disabilities Education Act (IDEA).

D. "LEA" or "local education agency" means a school district or charter school.

E(1) "Reimbursement" means the payment of money or provision of other item of value greater than \$10 offered as payment or compensation to a student or to a parent or guardian for:

- (a) a student's enrollment in an LEA; or
- (b) a student's participation in an LEA's program.

(2) "Reimbursement" does not include a reimbursement paid by an LEA to a student, parent or guardian, for an expenditure incurred by the student, parent or guardian on behalf of the LEA if:

(a) the expenditure is for an item that will be the property of the LEA; and

(b) the expenditure was authorized by the LEA.

F. "Section 504 accommodation plan" required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

G. "Third party provider" means a third party who provides educational services on behalf of an LEA.

R277-417-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide standards and procedures for prohibiting LEAs and third party providers from offering incentives for student enrollment.

R277-417-3. LEA and Third Party Provider Use of Public Funds for Incentives and Reimbursements.

A. Except as provided in R277-417-3B, an LEA or a third party

provider may not use public funds, as defined under Section 51-7-3(26), to provide the following to a student, parent or guardian, individual, or group of individuals:

- (1) an incentive for a student's:
 - (a) enrollment in an LEA; or
 - (b) participation in an LEA's program; or
- (2) a referral bonus for a student's:
 - (a) enrollment in an LEA; or
 - (b) participation in an LEA's program.

B. An LEA or third party provider may use public funds to provide an incentive to a student or the student's parent or guardian if the incentive is:

- (1) provided to all students enrolled in the LEA; and
- (2) part of a school uniform used by the LEA.

C. Except as provided in R277-417-3D, an LEA or third party provider may not use public funds to provide a reimbursement to a student or the student's parent or guardian for:

- (1) curriculum;
- (2) instruction;
- (3) private lessons;
- (4) technology; or
- (5) other educational expense.

D. An LEA or third party provider may use public funds to provide a reimbursement to a student or the student's parent or guardian if:

(1) the reimbursement is required to be paid or provided pursuant to an IEP or Section 504 accommodation plan that is approved by the LEA;

(2) for a student in Kindergarten through grade 6, the reimbursement is provided to a student's parent or guardian for internet accessibility; or

(3) for a student in grade 7 through grade 12:

(a) the reimbursement is provided to a student or student's parent or guardian for internet access in accordance with the fee waiver policy requirements of R277-407-6; and

(b) failure to provide the reimbursement described in R277-417-3D(3)(a) will cause economic hardship.

E. An LEA or third party provider shall ensure that an item purchased, rented, or leased by the LEA or third party provider remains the property of the LEA and is subject to the LEA's asset policies if:

(1) the LEA or third party provider purchases an item; and

(2) provides the item to a student or to the student's parent or guardian.

F. An LEA shall establish monitoring procedures to ensure that a third party provider who provides educational services to a student on behalf of the LEA complies with the provisions of R277-417.

G. The Board or the Superintendent may require an LEA to repay public funds to the Superintendent if:

(1) an LEA or an LEA's third party provider fails to comply with the provisions of this R277-417; and

(2) the repayment is made in accordance with the procedures established in R277-114.

KEY: student, enrollment, incentives

Date of Enactment or Last Substantive Amendment: July 8, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)